

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1918

IN THE MATTER OF:

Served November 13, 1978

Investigation of McMICHAEL SCHOOL)
BUS SERVICE, INC. -- Extension of)
Service to The Washington School)
for Secretaries)

Case No. MP-78-15

By letter filed November 13, 1978, The Washington School for Secretaries (WSS) has petitioned the Commission for assistance in obtaining transportation for its students and faculty from 4415 Briarwood Court, Annandale, Va., to the facilities of WSS at 2020 K Street, N. W., Washington, D. C. In support of this petition, WSS asserts that it will be without service tomorrow due to the expiration of temporary authority previously granted to McMichael School Bus Service, Inc. (McMichael). 1/ Atwood's Transport Lines, Inc., the only other appropriately certificated bus operator, would charge WSS \$120 a day for round-trip service as opposed to the \$70 a day now paid to McMichael. WSS now subsidizes the fares paid by students and faculty with funds from its general accounts. It does not consider itself in the market for the luxury, intercity-style charter service offered by Atwood's at a significantly higher rate. The attendant increase in cost would work a hardship on the school and eventually on the students through tuition increases. Moreover, WSS has found that any change in service has resulted in operating difficulties such as not getting the students to school on time. Accordingly, WSS desires to continue to utilize McMichael's service.

We note that in Case No. AP-78-20, McMichael was granted temporary authority to perform the above-described service pursuant to a contract with WSS from May 17, 1978, through November 13, 1978. That temporary authority, although unopposed, cannot be extended pursuant to Title II, Article XII, Section 4(d)(3) of the Compact beyond 180 days. McMichael has filed an application for a certificate of public convenience and necessity in Case No. AP-78-42 which, if granted, would authorize, inter alia, the above-described service on a permanent basis. That application

1/ McMichael holds a certificate of public convenience and necessity authorizing certain charter operations including service from points in the District of Columbia to points in the Metropolitan District.

is unopposed, 2/ and the time for filing protests expires at the close of business today. A public hearing has been scheduled on Case No. AP-78-42 for November 22, 1978.

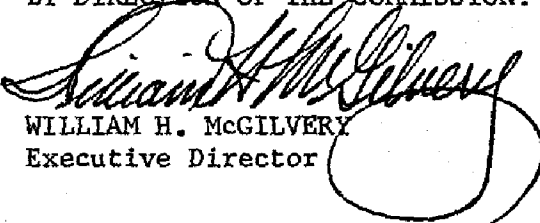
Title II, Article XII, Section 4(e) of the Compact provides, as pertinent, that "[t]he Commission may, if it finds that the public convenience and necessity so require, require any person subject to this Act to extend any existing service or provide any additional service over additional routes within the Metropolitan District" This section, unlike Title II, Article XII, Sections 4(b) and 4(d)(3) of the Compact, is not triggered by a carrier's application; rather, it may be invoked by the Commission either sua sponte, or, as here, by petition from the public. Just as the Commission is authorized to limit market entry in the area of motor carrier transportation of passengers, so may it act to ensure that a needed service will be provided by requiring a carrier to render transportation. Considering the facts and circumstances here present, including the records in Case Nos. AP-78-20 and AP-78-42, and the letter from WSS, the Commission finds that the public convenience and necessity require McMichael to perform charter operations, transporting students and faculty of The Washington School for Secretaries, from 4415 Briarwood Court, Annandale, Va., to the facilities of WSS located at 2020 K Street, N. W., Washington, D. C.

THEREFORE, IT IS ORDERED:

1. That pursuant to Title II, Article XII, Section 4(e) of the Compact, McMichael School Bus Service, Inc., is hereby directed to provide the service specified above for a period of 45 days or until otherwise ordered by the Commission.

2. That the rate to be charged for said service shall be \$70 per bus per day on a round-trip basis.

BY DIRECTION OF THE COMMISSION:


WILLIAM H. MCGILVER
Executive Director

2/ On November 13, 1978, a protest was filed on behalf of Atwood's Transport Lines, Inc., and Greyhound Airport Service, Inc. However, upon being advised that the service proposed in Case No. AP-78-42 is to be rendered in school bus vehicles only and that McMichael's application has been so restricted, counsel for protestants has advised that their protests may be considered withdrawn.